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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,793	10/27/2003	Eugene M. Lee	113708.129 US1	1059
23400 7590 03/27/2007 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			EXAMINER TRAN, QUOC A	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 03/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/692,793

Applicant(s)

LEE ET AL.

Examiner

Tran A. Quoc

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 03-13-2007. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-4, 6-10, 13-18, and 20-28 and 54.
Claim(s) withdrawn from consideration: 29-53.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Heather R. Herndon
Supervisory Patent Examiner
Technology Center 2100

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's request for reconsideration filed on March 13, 2007, have been consider but does not place the application in condition for allowance.

Beginning on page 2 of 9 of the REMARKS (hereinafter the remarks), Applicant argues the following issues, which are accordingly addressed below.

Applicant argues "Rivettes fails to teach or suggest that the annotation data and the document data can be combined for form a single logical document with the annotation data embedded in the document data." "Rivettes fails to teach a merge component is further configured to display the single logical document." "the Examiner fails to make any portion of the OLE Programmers Reference of." (see remark pages 2-9).

The Examiner disagrees. For example, Rivette'137 discloses user interface of a web annotation system (item 502 Fig. 5) the plurality components (items 504-509, fig. 5) for Web annotation (Rivette'137, col. 13, lines 5-10) to retrieve at least one document from the first data storage as document data and to retrieve the at least one annotation be applied to said at least one document from a second storage as annotation data (the rejection of claims 1, 18 and 25 are fully incorporated, see above rejection for details).

Furthermore Rivette'137 discloses web annotation system using the well-known standard Object Linking Embedded (OLE) that support an interface that interaction between computer applications. In one embodiment of the present invention, the interface 510 uses the Object Linking Embedded (OLE) standard Component Object Model, Jscript or DHTML component for controlling annotation system. Whereby enable a user to create an annotation to a web page, and links the annotation to the selected portion (Rivette'137 at col. 4, line 60 through col. 5 and Fig. 10 items 502, 1014A, 1016A and 1020A-1022B).

Also, see Rivette' 434 fig. 3B, 4, 6A-B, and 7A col. 14, lines 50-col. 15, line 15, discloses configuring to combine the annotation data and the document data to form a single logical document, the single logical having the annotation data embedded in the document data. For example Patent (item 602) is a visual presentation of embedded note link button (item 604) in combination with a portion of patent (item 702) in one logical document (item 402) also see Rivette' 434 fig. 3B, 4, 6A-B, and 7A for more details of the details steps of combine the annotation data and the document data to form a single logical document, the single logical having the annotation data embedded in the document data as taught by Rivetts'434.

In addition, see Rivetts'434 at col. 9, lines 15-30, teaching the interface 310 uses the Object Linking Embedded (OLE) standard. The OLE standard is well known and defines the manner in which one software application may drive, control, manipulate, and otherwise interact with another software application. The OLE standard is described in many publicly available documents, such as Microsoft OLE Programmers Reference, Volumes I and II, 1993, which are herein incorporated by reference in their entirety.

Using the broadest reasonable interpretation, the Examiner interprets the claimed as equivalent to Dynamic Hypertext Markup Language (DHTML) as logically linking element in an electronic document that links to another place in the same document or to an entirely different document in the Web environment using tag schema in collaborating with Component Object Model (COM), Jscript using in Rivette'137 web annotating system.

In addition Rivette'434, fig. 3B, 4, and 6A-B, item 302, 402, 602, 604, 606, and 608 illustrate the example screen display of Rivette'434 configuring to combine the annotation data and the document data to form a single logical document, the single logical having the annotation data embedded in the document data (Rivette'434, col. 14 line 50 - col. 15, line 15, fig 3B, 4, and 6A-B). For example Patent (item 602) is a visual presentation of embedded note link button (item 604) in combination with a portion of patent (item 702) in one logical document (item 402) (Rivette'434, col. 14 line 50 - col. 15, line 15, fig 3B, 4, 6A-B, and 7A).

Also, Applicant argues the references do not establish a prima facie case of obviousness to combine.

The Examiner disagrees, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the teaching of Rivette'137, to include at least one merge component configured to combine the annotation data and the document data to form a single logical document, the single logical having the annotation data embedded in the document data of Rivette'434 teaching. One of the ordinary skill in the art would have been motivated to perform such a modification, because Rivette'137 and Rivette'434 are from the same field of endeavor of utilizing Object Linking Embedded (OLE) to create an annotation to a web page, and enabling user to attaching, grouping, embedded note to some computer applications as Microsoft Word, Word Perfect, and Excel (Rivette'137 col. 3, lines 35-60).

Accordingly, the Examiner has establish a prima facie case of obviousness, and three basic criteria has met, also see MPEP § 2143: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

For at least all the above evidence, therefore the Examiner respectfully maintains the final rejection mailed 12-13-2007 at this time.